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C O N F I D E N T I A L SECTION 01 OF 02 KUWAIT 001876

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SUBJECT: (U) CONSTITUENCY DEBATE ENDS IN BICKERING

REF: KUWAIT 01705

Classified By: CDA FRANK URBANCIC; REASON 1.4 (B,D)

11. (C) SUMMARY: The June 12 special session of parliament to discuss the reduction of electoral constituencies dissolved into bickering and shouting matches ultimately leading to the adjournment of the session. Too few MPs support any one of the three proposals being considered and there appear even to be several competing factions within the Cabinet, as the GOK has proposed two diverging plans while Mohammed Dhaifallah Sharar, Deputy Prime Minister, Minister of State for Cabinet Affairs, and Minister of State for National Assembly Affairs, has questioned the constitutionality of both. Both the GOK and various MPs appear intent on obstructing any genuine efforts to debate constituency reform. Another special session on this topic has been scheduled for June 19, but its prospects are not obviously better. END SUMMARY.

(U) Saturday's Special Session

12. (SBU) The June 12 special session of parliament was held with the aim of determining which of three constituency reform proposals would be brought to the floor for debate and possible passage: two presented by the GOK and one by the Assembly's Interior and Defense Affairs Committee. What appeared to be a straightforward assignment turned into a day of endless shouting matches and sophomoric stall tactics from both members of parliament and the Cabinet. One news daily described the shouts and cries from MPs interrupting basic procedures as "scenes rarely seen in the National Assembly." After an opening 20 minute argument between Speaker Jassem Al-Khorafi and several MPs on whether or not to even read the proposals to be debated, it was clear that the MPs were largely divided on which proposal to support, if any at all. Included in the debate were the usual arguments that the current system promotes corruption while others argued that a new system must ensure a fair representation of minorities. (Ref A) The GOK insisted that it would vote only for either of its two proposed bills and would only do so if there were no changes.

13. (SBU) A vote to return the proposals back to the Interior and Defense Affairs Committee was called, held, and failed. Further bickering led the Speaker to adjourn the session for a half hour to restore order. After he reconvened the session and called again for a vote, several MPs renewed the shouting at which time Prime Minister Shaykh Sabah Al-Ahmad, who was in attendance, proposed adjourning the session for one week, to which the Speaker consented.

(U) The Three Proposals

14. (SBU) There are three separate 10-constituency proposals being considered by the National Assembly. The first to be discussed, according to the Assembly's agenda, is the proposal by a committee of five ministers led by Justice Minister Ahmed Bager. This proposal permits voters to vote for only half of the Assembly seats in each constituency*either 4 or 6 seats*and has a very unequal distribution of population per district*e.g. in one constituency there are 6 parliamentary seats and only 8,000 voters, while another has only 4 seats with over 15,000 eligible voters.

15. (SBU) The second GOK proposal, attributed to Shaykh Sabah Al-Khalid Al-Sabah, Chairman of the National Security Bureau, and Energy Minister Shaykh Ahmed Al-Fahd Al-Sabah offers voters the opportunity to cast votes for only 2 of 5 seats in each of the 10 constituencies. The number of eligible voters in each constituency ranges from 8,000-17,000 and there have been accusations that the geographical distribution of the constituencies, in this plan, is designed to unseat key opposition MPs.

16. (SBU) The third plan is a modification of the GOK's first proposal by parliament's Interior and Defense Affairs Committee. It offers a far more balanced distribution of voters vis--vis seats and allows voters to cast a vote for all available seats in their constituency*which range from 2 to 8 depending on population.

(U) The Dispute within the Dispute

17. (SBU) While there are several differences at issue within each plan that have led to lengthy arguments, the order in which the three proposed bills are to be discussed in parliament is even at issue. In fact, this has become something of a sticking point. The Interior and Defense Affairs committee had arranged to first review and vote on the 5-member ministerial committee proposal. The GOK wants to review first its proposal submitted by the National Security Bureau and then its proposal by the 5-member ministerial committee. Some of the bickering in last Saturday's session resulted from the dispute over this administrative sequence. Some MPs are accusing Mohammed Dhaifallah Sharar, who pushed for the change in the docket on behalf of the GOK, of trying to violate the National Assembly's code of procedures.

18. (C) One liberal pundit opined that the GOK wants its "National Security" proposal to be addressed first because it represents the least change from the current situation*which he argued is in the interests of the Government. He envisaged the following scenario: if the GOK's preferred proposal is raised first, the GOK will convince those MPs who are against any change in the constituencies to choose it over the other two. Once this proposal is presented a second time, to become law, all those MPs who originally opposed any change will withdraw their support, thus ensuring that nothing is passed.

(U) Still Other Disputes

19. (SBU) In yet another dispute, Sharar, a lawyer, and MP AbdulWahed Al-Awadhi, a vocal opponent of reducing the constituencies, raised "suspicions" about the constitutionality of either GOK bill, because they would limit each voter's ability to vote for all seats in their constituency. Article 80 of the Constitution says MPs are elected by universal suffrage; Article 81 says constituencies are determined by law.

10. (SBU) Speaker Al-Khorafi is being accused of acting for the GOK because he agreed to adjourn the session until next Saturday at Shaykh Sabah's request. Some MPs are accusing him of making the Assembly a "ministerial committee" arguing that what he did benefited the GOK position and violated the Assembly's charter, which allows the Speaker to adjourn the session for a half hour only, not for one week. Al-Khorafi defended his actions, saying that it was not possible to bring order back to the unruly chamber.

10. (C) COMMENT: While a small majority of MPs appear to agree on reducing the number of constituencies, it is quite clear that consensus is lacking on the method to achieve this reduction. Add to these differences those who are advocating for the status quo and a Government which has only muddied the waters by issuing two different reduction proposals--then suggesting both might be unconstitutional--and there appears to be a recipe for failure, which only a clear stand by the GOK is likely to fix in the short term--and that is precisely what is lacking.

URBANCIC